

## EASTERN DISTRICT OF TEXAS

## ORDER REFERRING CASE TO MEDIATION

Having reviewed the pleadings, motions, and memoranda on file in this case and considered the nature of the proceeding, the court has determined that this case is appropriate for referral to mediation. *See* FED. R. CIV. P. 1, 16. The court hereby refers this case to mediation. The mediation shall be completed on or before Monday, December 1, 2008. The mediator, as selected by the parties, shall be:

Manetta Kaye DeWalt  
1301 McKinney Street, Suite 1900  
Houston, Texas 77010-3031  
Telephone: 713.652.4705  
Facsimile: 713.951.9212

Each party who is a natural person must be present during the entire mediation process. Each party that is not a natural person must be represented by a principal, partner, or officer with authority and discretion to negotiate a settlement. If one or more insurance companies must be involved in the settlement of this case, a representative from each insurance company with

authority and discretion to negotiate a settlement shall be present during the entire mediation process.

The parties shall make independent arrangements for the payment of fees for the mediation. The costs of mediation are to be divided and borne equally by the parties unless otherwise agreed or ordered.

Within five days of the completion of the mediation, the mediator shall submit a report to the presiding judge advising the court only that the cause did or did not settle. No other information concerning the mediation may be given to the court by the mediator or any other party.

Counsel and the parties shall proceed in a good faith effort to resolve this case through mediation. Referral to alternative dispute resolution is not a substitute for trial; however, the case will be tried if it is not settled.

SIGNED at Beaumont, Texas, this 4th day of November, 2008.

A handwritten signature in black ink, reading "Marcia A. Crone", is positioned above a horizontal line.

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE